

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CARDIONET, LLC,

and

BRAEMAR MANUFACTURING, LLC,

Plaintiffs,

v.

INFOBIONIC, INC.,

Defendant.

)
)
)
) Civil Action No. 1:17-cv-10445-IT
) Hon. Indira Talwani
)

) **JURY TRIAL DEMANDED**
)
)
)
)
)
)

JOINT MOTION TO EXTEND CASE DEADLINES

Plaintiffs CardioNet, LLC and Braemar Manufacturing, LLC (collectively “CardioNet”) and Defendant InfoBionic, Inc. (“InfoBionic”) respectfully submit this motion to extend the current case deadlines to brief InfoBionic’s renewed motion for summary judgment under 35 U.S.C. § 101. The parties conferred and have agreed to the dates set forth in the table below.

On May 7, 2021, the parties submitted a joint statement and proposed a schedule to address InfoBionic’s renewed motion for summary judgment under § 101 (D.I. 213). This schedule was proposed before successor counsel for CardioNet entered their appearance on May 17, 2021 (D.I. 217). On June 25, 2021, the Court adopted the parties’ proposed schedule (D.I. 227). The adopted schedule was dependent upon the Court’s resolution of CardioNet’s motion to compel (D.I. 181), which the Court decided on July 6, 2021 (D.I. 229). The Court’s resolution of CardioNet’s motion to compel triggered the current deadlines for fact depositions, expert discovery, and briefing, which are dependent upon the completion of fact depositions.

The parties respectfully submit that there is good cause to extend the current deadlines given the substitution of CardioNet's counsel and the ongoing transfer of files. Since it entered its appearance, CardioNet's current counsel has been diligently working to obtain the voluminous record and client files from former counsel for this matter and other related matters. Under the current timeline, fact depositions are to be completed by August 27, 2021. CardioNet seeks this extension to allow counsel to obtain the complete record and review relevant discovery in preparation for the remaining fact depositions. To accommodate CardioNet's substitute counsel, InfoBionic does not oppose CardioNet's request to extend the time to complete fact depositions, and the parties have agreed to an extension that avoids creating conflicts with InfoBionic's counsel's scheduled upcoming trials. No depositions have been taken or scheduled yet, and the proposed schedule adds only one month to the current schedule. Accordingly, there is good cause to extend the current deadlines.

Event	Current Deadline	Proposed Deadline
Depositions of: 1. Dr. Korzinov 2. VentriLink on CardioNet's Topic No. 9 3. InfoBionic on CardioNet's Topic No. 90 4. InfoBionic on CardioNet's Topic No. 91 5. Welch Allyn, Inc.	August 27, 2021	August 25 - September 30, 2021
InfoBionic's opening expert report(s) on § 101 defense	September 27, 2021	November 1, 2021
CardioNet's rebuttal report(s) on § 101 defense	October 27, 2021	December 1, 2021
Expert Discovery on § 101 issues complete	November 26, 2021	December 22, 2021
InfoBionic's renewed motion for summary judgment under § 101	December 17, 2021	January 20, 2022
CardioNet's opposition brief	January 7, 2022	February 10, 2022
InfoBionic's reply brief	January 21, 2022	February 24, 2022

Respectfully Submitted,

DATED: August 19, 2021

/s/ Charles H. Sanders

Charles H. Sanders BBO #646740
Christopher W. Henry BBO #676033
LATHAM & WATKINS LLP
John Hancock Tower, 27th Floor
200 Clarendon Street
Boston, MA 02116
Telephone: 617.948.6000
Facsimile: 617.948.6001
charles.sanders@lw.com
christopher.henry@lw.com

Maximilian A. Grant (*pro hac vice*)
Gabriel K. Bell (*pro hac vice*)
Diane E. Ghrist (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, N.W., Ste. 1000
Washington, D.C. 20004
Telephone: 202.637.2200
Facsimile: 202.637.2201
max.grant@lw.com
gabriel.bell@lw.com
diane.ghrist@lw.com

Attorneys for Defendant InfoBionic, Inc.

/s/ Aliza G. Carrano

Alissa K. Lipton BBO #678314
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Seaport Lane
Boston, MA 02210
Telephone: 617.646.1600
Facsimile: 617.616.1666
alissa.lipton@finnegan.com

Frank A. DeCosta, III (*pro hac vice*)
Aliza G. Carrano (*pro hac vice*)
Laura P. Masurovsky (*pro hac vice*)
Matthew N. Amrit (*pro hac vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
Telephone: 202.408.4000
Facsimile: 202.408.4400
frank.decosta@finnegan.com
aliza.carrano@finnegan.com
laura.masurovsky@finnegan.com
matt.amrit@finnegan.com

Shawn S. Chang (*pro hac vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRET & DUNNER, LLP
271 17th Street, N.W. Suite 1400
Atlanta, GA 30363
shawn.chang@finnegan.com

*Attorneys for Plaintiffs CardioNet, LLC and
Braemar Manufacturing, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will simultaneously serve as notice of such filing to counsel of record to their registered electronic mail addresses.

By: /s/ Aliza G. Carrano
Aliza G. Carrano